

**REMARKS**

The Applicant thanks the Examiner for the thorough consideration given the present application. Claims 2, 10, and 13 are cancelled herein without prejudice to or disclaimer of the subject matter set forth therein. Claims 1, 3-9, 11, 12, and 14-17 are pending. Claims 1, 3, 4, 6, 8, 9, 11, and 14 are amended, and claims 16 and 17 are added. Claim 1 is independent. The Examiner is respectfully requested to reconsider the rejections in view of the amendments and remarks set forth herein.

**Examiner Interview**

If, during further examination of the present application, a discussion with the Applicant's Representative would advance the prosecution of the present application, the Examiner is encouraged to contact Carl T. Thomsen, Registration No. 50,786, at 1-703-208-4030 (direct line) at his convenience.

**Drawings**

It is gratefully appreciated that the Examiner has accepted the drawings.

**Claim for Priority**

The Examiner has not acknowledged the Applicant's claim for foreign priority. Clarification is requested in the next official communication.

**Information Disclosure Citation**

The Applicant thanks the Examiner for considering the reference supplied with the Information Disclosure Statements filed April 21, 2006 and January 3, 2007, and for providing the Applicant with initialed copies of the PTO forms filed therewith.

**Restriction Requirement**

The Examiner has made the Restriction Requirement final, and has withdrawn claims 2-13 and 15 from further consideration. By this Amendment, the Applicant has cancelled non-elected claims 2, 10, and 13. Dependent claims 3-9, 11, 12, and 14-17 are pending.

When independent claim 1 is found to be allowable, the Applicant requests that the Examiner rejoin and consider each of the dependent claims.

**Rejection Under 35 U.S.C. § 112, second paragraph**

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph because there is insufficient antecedent basis of "the surface of rotation". This rejection is respectfully traversed.

In order to overcome this rejection, the Applicants has amended claim 1 to correct the deficiency pointed out by the Examiner. The Applicant respectfully submits that claim 1, as amended, particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. Accordingly, reconsideration and withdrawal of this rejection are respectfully requested.

**Rejections Under 35 U.S.C. §103(a)**

Claim 1 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Rison (U.S. 1,066,754) in view of Barnard (U.S. 4,752,105); and

Claim 14 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Barnard, and further in view of Jenkins (U.S. 4,995,678).

These rejections are respectfully traversed.

**Amendments to Independent Claim 1**

While not conceding the appropriateness of the Examiner's rejection, but merely to advance prosecution of the instant application, independent claim 1 is amended herein to recite a combination of elements directed to a caster, including *inter alia*

“first and second wheels disposed forward and back and an endless wrap-around member wrapped around the first and second wheels, the first and second wheels having common tangents C1 and C2, the common tangent C2 having an angle  $\alpha$  with respect to a ground surface,

wherein the wraparound member is a continuous endless belt formed by connecting a plurality of pieces via a plurality of connecting members, the wraparound member having a linear portion A formed along at least the common tangent C2 of the wheels,

wherein each of the pieces is independently formed as a body having a connecting section that faces the adjacent pieces of either side thereof, a contacting section on an outer peripheral side of the connecting section, and a guide wall on an inner peripheral side of the connecting section, and

when viewed in a side view which is a view in a direction of an axis of rotation of each of the wheels, each of the contacting sections is seen as a linear section that extends parallel to the contacting sections of the adjacent pieces, and that is perpendicular to the linear portion A of the common tangent C2 of the wheels,

wherein each of the guide walls on the inner peripheral side of the connecting members includes an inclined surface section,

the inclined surface section being adapted to form a groove that is substantially V-shaped between each of the adjacent pieces, thereby enabling the wraparound member to bend along an outer periphery of each of the first and second wheels, and

since the contacting sections of the adjacent pieces abut respectively against each other along the linear portion A, the linear portion A of the common tangent C2 is capable maintaining a linear condition and is prevented from being dented, so that even when the linear portion A is pushed by a force from an outside, the linear portion A is capable of serving as an anti-sticking plate,

wherein connecting portions are provided between the contacting section and the guide wall of each of the pieces, and

wherein the plurality of pieces are connected by the plurality of connecting members which extend, respectively, through the connecting portions provided in each of the pieces”.

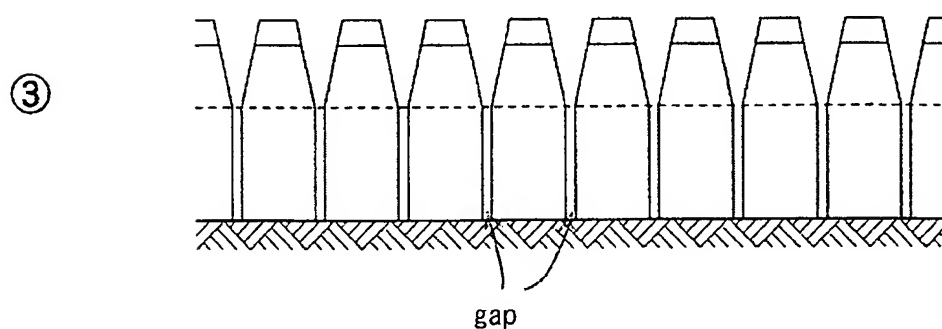
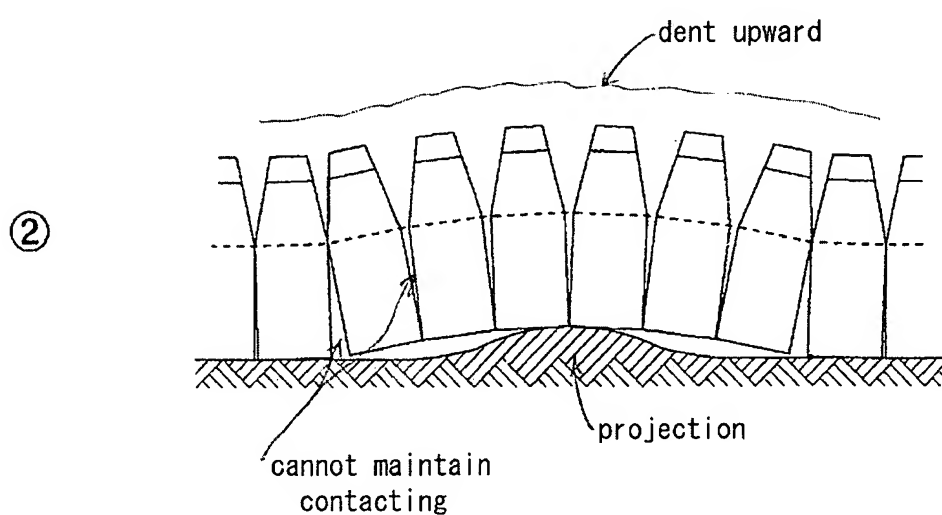
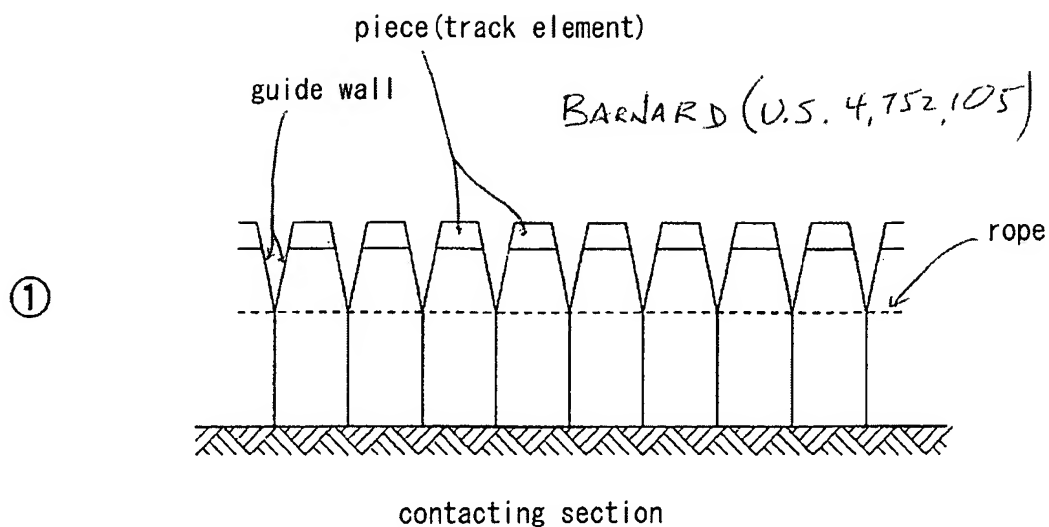
Support for the novel features of independent claim 1 can be seen, for example, in original claims 1 to 4, 7, and 13, on line 24 of page 12 to line 6 of page 16 and lines 5 to 25 of page 18 of the original specification, and in FIGS. 1-9 and 39-42.

The Applicant respectfully submits that the combination of elements set forth in independent claim 1 is not enclosed or made obvious by the applied prior art of record, including Barnard and Rison.

**Regarding the Barnard Reference**

In contrast to the present invention, each track element (piece) 40 in the Barnard document is connected each other by a tensile core element (steel wire rope 41, see lines 26, 27 of Barnard). The rope 41 has a nature essentially lengthened in the longitudinal direction whatever material it is made from. Therefore, Barnard's track member element may be linear in an initial condition where applied load is large (see drawing 1 below). But in a case the track element run on a projection such as an obstacle or a bump, some strength is applied to a linear portion from a ground side, and the rope is elongated by the strength, so the linear portion dents (see drawing 2 below). Since the track member can not maintain its linearity, it becomes difficult for the track member to climb over the projection by a light strength and it can not fulfill its function as an anti-stick plate.

Furthermore, as the rope is gradually lengthened in a long term in a construction in which a plurality of track elements is connected with the rope, even if a slack of the rope is corrected by adjusting a wheel distance with a wheel base adjusting means as seen in Barnard, the rope itself is lengthened and a space between each track element becomes large (see drawing 3 below). As it get rickety between the adjacent track elements, a phenomenon that the track member dents upward is generated, as seen in attached drawing 2 below.



Therefore, the linear portion of Barnard, which is realized by contacting each adjacent parallel track element, cannot maintain its linear condition. Thus, the linear portion of Barnard cannot act as an anti-sticking plate, as required by the present invention. Namely, the track member of Barnard having a construction in which a plurality of track elements connected with the rope is fundamentally different from the combination of elements of the present invention. Even though Barnard's track member may possibly resemble the linear portion A present invention in its initial shape, the Barnard disclosure fails to teach

“since the contacting sections of the adjacent pieces abut respectively against each other along the linear portion A, the linear portion A of the common tangent C2 is capable maintaining a linear condition and is prevented from being dented, so that even when the linear portion A is pushed by a force from an outside, the linear portion A is capable of serving as an anti-sticking plate” as set forth in independent claim 1 of the present invention.

**Regarding the Rison Reference**

According to the Examiner, the caster disclosed by Rison includes wraparound members 22 consisting of a plurality of pieces (links) continuous in the circumferential direction, and which permit the wraparound member 22 to bend along the first 19 and second 22 wheels. Referring to the drawing of Rison (U.S. Patent 1,066,754), the pieces are merely links forming a continuous chain, and which bend naturally between the two wheels. When the caster climbs over the projection, the wraparound member 22 is easily dented by being pushed upward by the projection. Since Rison's links are not provided with the contacting section and the connecting member such as the pieces in the present invention, they have no

function as the anti-sticking plate. Since neither of Rison or Barnard discloses an anti-sticking plate, as set forth in independent claim 1 of the present invention, no combination of Rison and Barnard can teach or make obvious the combination of elements set forth in independent claim 1

At least for the reasons explained above, the Applicant respectfully submits that the combination of elements as set forth in independent claim 1 is not disclosed or made obvious by the prior art of record, including Barnard and Rison.

Therefore, independent claim 1 is in condition for allowance.

#### **Dependent Claims**

The Examiner will note that dependent claims 2, 10, and 13 have been cancelled, dependent claims 3, 4, 6, 8, 9, 11, 14, 1n5 15 have been amended, and dependent claims 16 and 17 have been to set forth additional novel features of the invention.

The Examiner will note that support for dependent claims 14 and 17 can be found, for example, in FIGS. 39-42 of the original application.

All dependent claims are in condition for allowance due to their dependency from allowable independent claims, or due to the additional novel features set forth therein.

All pending claims are now in condition for allowance

Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a) are respectfully requested.



**CONCLUSION**

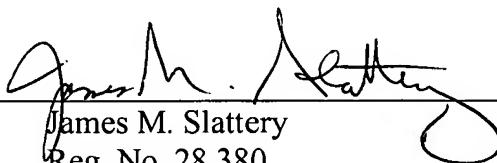
All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. It is believed that a full and complete response has been made to the outstanding Office Action, and that the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, he is invited to telephone Carl T. Thomsen (Reg. No. 50,786) at (703) 208-4030 (direct line).

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Date: September 30, 2008

By   
James M. Slattery  
Reg. No. 28,380

BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100E  
P. O. Box 747  
Falls Church, VA 22040-0747  
(703) 205-8000

JMS:CTT:ktp 